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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. MB 0681-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/827,698	
	Filing Date	April 6, 2001	
	First Named Inventor	Jeffrey Fischer	
	Group Art Unit	3722	
	Examiner Name	Monica Smith Carter	
Total Number of Pages in This Submission	21	Attorney Docket Number	P00043601X

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks 1- Postcard. 2- Response to Notice of Abandonment. 3- Copies of notice of abandonment, missing CPA, and original parent provisional cover sheet.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John C. Smith, Esq.
Signature	
Date	September 23, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>Sept. 23, 2002</u>			
Type d or printed nam	John C. Smith, Esq.		
Signature		Date	September 23, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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w/d of
Aband

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey Fischer : Date: September 23, 2002
Serial Number: 09/827,698 : Group Art Unit: 3722
Attorney Docket Number: P00043601X : Examiner: Monica Smith Carter
Filed: April 6, 2001 : Applicant's Attorney: John C. Smith
4800 N. Federal Hwy, Suite A-207
Title: PERSONAL INTEREST : Boca Raton, Florida 33431
SEMAPHORE SYSTEM (561) 394-4666

RESPONSE TO NOTICE OF ABANDONMENT

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED
OCT - 3 2002
TC 3700 MAIL ROOM

Dear Sir:

This amendment is in response to the notice of abandonment dated May 1, 2002. The application was not abandoned by Applicant. It appears that the application was abandoned in error by the U.S.P.T.O. the facts are as follows:

1. In the notice of abandonment (item 1, attached), the Examiner stated that the application was abandoned because no response was received to the office action mailed on 26 September 2001.
2. A response to the office action was timely filed on Feb. 25, 2002 with a two-month extension of time. It appears that this response was lost after reaching the Patent Office. A copy of the response along with express mail certificate and stamped postcard from the PTO is attached (item 2, attached). The response to the outstanding office

action included a preliminary amendment in a CPA which was intended to replace the application. The preliminary amendment referenced the outstanding office action in the opening paragraph and responded to all items raised by the Examiner in that office action.

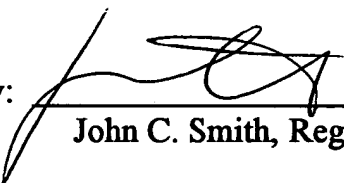
3. Applicant's Attorney notes the Examiner's comments regarding attempts to contact Applicant's Attorney via telephone. It appears there are two errors related to the telephone number. The original parent provisional application listed the correct telephone number (561) 394-4666. A copy of the cover sheet for the original provisional application is attached showing the correct phone number (item 3). It also appears that numbers were transposed on the cover sheet for the non-provisional application which was listed as (561) 493-4666. In addition, the Palm system appears to have the correct phone number, but an incorrect area code. The correct area code is 561, not 407. Applicant's Attorney requests that the number in the Palm system be updated to the correct (561) area code.

4. The CPA was properly filed and should have replaced the current application. It appears that the filing papers for the CPA and that response to the office action have been inadvertently lost by the U.S.P.T.O. after receipt. Copies of the stamped postcard and the express mail certificate support this since they prove that the response was received in the mail room.

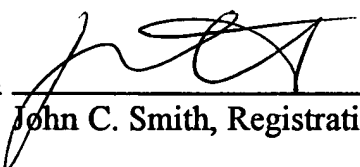
Based on the fact that the application was lost after receipt due to an error in the U.S.P.T.O., Applicant's attorney respectfully requests that this application be reinstated and moved forward such that it can be properly prosecuted.

Applicant's Attorney thanks the Examiner for the Examiner's help in prosecuting this invention. Applicant's Attorney further invites the Examiner to contact Applicant's Attorney at the above listed number if the Examiner believes that prosecution of the application can be furthered by so doing, or if the Examiner has any questions regarding this matter.

Respectfully submitted,

By: 
John C. Smith, Reg. No. 33,284

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231

on: September 23, 2002  September 23, 2002
Date of Deposit John C. Smith, Registration No. 33,284 Signature Date

Item #1



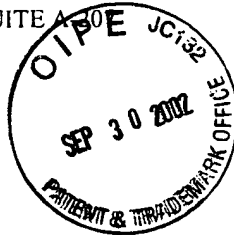
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,698	04/06/2001	Jeffrey Fischer	P00043601X	5065

27689 7590 05/01/2002

JOHN C. SMITH, ESQ.
4800 NORTH FEDERAL HIGHWAY, SUITE A-300
BOCA RATON, FL 33431



EXAMINER

CARTER, MONICA SMITH

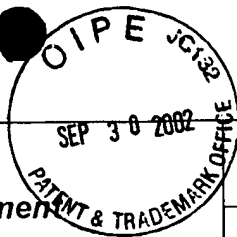
ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
OCT - 3 2002
TC 3700 MAIL ROOM



Notice of Abandonment

Application No.

09/827,698

Examiner

Monica S. Carter

Applicant(s)

FISCHER, JEFFREY

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 September 2001.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

A. L. WELLINGTON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Interview Summary

Application No.

09/827,698

Applicant(s)

FISCHER, JEFFREY

Examiner

Monica S. Carter

Art Unit

3722

All participants (applicant, applicant's representative, PTO personnel):

(1) Monica S. Carter.

(3) _____

(2) John C. Smith, ESQ.

(4) _____

Date of Interview: 26 April 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: n/a.

Identification of prior art discussed: n/a.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner tried to reach the applicant's representative at both the number listed in the Declaration ((561) 493-4666) and the number listed in Palm ((407) 394-4666). The first number is disconnected and the second telephone number had a message that the call could not be completed as dialed. The application has passed the six month statutory time period for response and is, therefore, abandoned.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Item #3

Please type a plus sign (+) inside this box → ☒PTO/SB/16 (3-97)
Approved for use through 1/31/98: OMB 0651-0037Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
valid OMB control number.**PROVISIONAL APPLICATION FOR PATENT COVER SHEET**

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53 (b)(2).

INVENTOR(S)					
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)			
Jeffrey	Fischer	Boca Raton, Florida			
<input type="checkbox"/> Additional inventors are being named on the _____ separately numbered sheets attached hereto					
TITLE OF THE INVENTION (280 characters max)					
Personal Interest Semaphore System					
Direct all correspondence to: CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number		<input type="text"/>		Place Customer Number Bar Code Label here	
OR Type Customer Number here					
<input checked="" type="checkbox"/> Firm or Individual Name	John C. Smith, Esq.				
Address	4800 North Federal Highway, Suite A-207				
Address					
City	Boca Raton	State	Florida	ZIP	33431
Country	Palm Beach	Telephone	(561) 394-4666	Fax	(561) 394-9562
ENCLOSED APPLICATION PARTS (check all that apply)					
<input checked="" type="checkbox"/> Specification Number of Pages		<input type="text" value="7"/>		<input checked="" type="checkbox"/> Small Entity Statement	
<input checked="" type="checkbox"/> Drawing(s) Number of Sheets		<input type="text" value="3"/>		<input checked="" type="checkbox"/> Other (specify) Power of Attorney	
METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT (check one)					
<input checked="" type="checkbox"/> A check or money order is enclosed to cover the filing fees					FILING FEE AMOUNT (\$)
<input type="checkbox"/> The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number: <input type="text"/>					\$75.00
The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.					
<input checked="" type="checkbox"/> No.					
<input type="checkbox"/> Yes, the name of the U.S. Government agency and the Government contract number are: _____					

Respectfully submitted,

SIGNATURE

TYPED or PRINTED NAME John C. Smith, Esq.

TELEPHONE (561) 394-4666

Date 4/7/2000

REGISTRATION NO.

(if appropriate)

Docket Number:

33,284

P00043601

USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT

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